UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
PEREZ, JULIO R

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>9/27/07</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-27,29,33,34,36-46,50-53 and 55-59</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-24 and 60-65</u> is/are allowed.

6)☒ Claim(s) <u>25-27,29,33,34,36-46,50-53 and 55-59</u> is/are rejected.

7)☒ Claim(s) <u>30-32 and 47-49</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed September 27, 2007 have been fully considered but
they are not persuasive.

It appears to the Examiner that the cited art still reads on claimed limitations as
recited on claims 25-27, 29, 33, 34, 36-46, 50-53, 55-59. Therefore, the rejections are
introduced again and explanation follows. Applicant that the cited references do not
teach or suggest redirecting service requests by a controller from a packet function
controller to a second controller. Examiner respectfully disagrees.

In addition to the portions cited on previous office action, Examiner invites the
applicant to refer to column 2, lines 65-67 and column 3, lines 1-7, column 4, lines 20-
42, 47—67 of Lim, the passages discloses or suggest service requests. The claim does
not specify type of request, thus, the passage reads on "service requests". The
passages further identify the PCF and controllers, which PCF may contain a session
controller, within, as admitted by applicant, the session controller may be collocated with
the PCF in a single unit node, on REMAKS, at end of second paragraph , hence, the
passage of Lim read on the limitations. In regards to applicant's argument that there is
no suggestion to combine the references of Lim and Einola, Examiner recognizes that
obviousness can only be established by combining or modifying the teachings of the
prior art to produce the claimed invention where there is some teaching, suggestion, or
motivation to do so found either in the dereferences themselves or in the knowledge
generally available to one of ordinary skill in the art. *See*, The rationale to modify or

combine the prior art does not have to be expressly stated in the prior art; the rationale

may be expressly or impliedly contained in the prior art or it may be reasoned from

knowledge generally available to one of ordinary skill in the art, established scientific

principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). **MPEP 2144.** The examiner only points out to the combination for further

reference and support of the know feature of the PCF and session controller as well as

service request as interpreted. Thus, one of skilled in the art would combine these

teachings to arrive at the present invention in order to increase the possibility of

rerouting the information without loosing continuity of the message transfer.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 25-27, 29, 33, 34, 36-46, 50-53, 55-59, are rejected under 35 U.S.C.

103(a) as being unpatentable over Lim et al. (hereinafter Lim), US Patent Number

7,035,636 in view of Einola et al. (US 20020064144).

        Regarding claims 25, 41, Lim discloses a wireless communication network, a

session controller (i.e., location management function), and a method of mobility

comprising: a packet control function (column 4, lines 35-37, a packet control function

may be provided); a plurality of access network controllers connected to the packet

control function for communicating with an access terminal engaged in a communication

session (column 2, lines 61-67; column 4, lines 4-16, several RNCs are provided for

communicating active terminals with RNCs and PDN); and wherein, in response to

transfer of the access terminal from a first one of the access network controllers to a

second one of the access network controllers, the session controller sends the session

information stored in the session controller to the second access network controller, and

to redirect service requests received by a first access network controller from a packet

control function to a second access network controller (column 2, lines 65-67; column 3,

lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28; the

management unit controls the mobility of the active terminal, i.e., 11, from RNC 1 to

RNC2; further providing the information contained from the first RNC to the target RNC),

but is silent on a session controller having memory for storing session information

used by one or more of the access network controllers to communicatively couple the

access terminal to the packet control function during the communication session, and

redirecting service requests received by the first access network controller from the

PCF.

Einola teaches relocation procedure of a user terminal communicating in a

communication network being movable between network controllers and switching the

data from one server to the other during the relocation procedure (Figure 3, #'s 100,

200, 400; Pars. 31, 32, lines 4-11, 38, 40).

It would have been obvious to one skilled in the art at the time of the invention to

modify Lim, such that a session controller provides information to the access controller

in response t session information requests from the access network and redirecting the

service request received by the first network to the second access network, to provide

continuity of communication between the two access network and accurate and efficient

connectivity.

Regarding claim 26, the combination of Lim and Einola discloses, wherein the

second access network controller queries the session controller for session information

associated with the access terminal responsive to the transfer of the access terminal

from the first access network controller to the second access network controller (Lim,

column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines

1-25; column 6, lines 21-28).

Regarding claim 27, the combination of Lim and Einola discloses, wherein the

session information associated with the access terminal to the second access network

controller responsive to receiving a query from the second access network controller

(Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column

5, lines 1-25; column 6, lines 21-28).

Regarding claim 29, the combination of Lim and Einola discloses, wherein the

first access network controller removes session information for the access terminal

stored in the first access network controller in response to the transfer of the access

terminal from the first access network controller to the second access network controller

(Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column

5, lines 1-25; column 6, lines 21-28).

Regarding claim 33, the combination of Lim and Einola discloses, wherein the

session controller updates the routing information in response to the transfer of the

access terminal from the first access network controller to the second access network

controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67;

column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 34, the combination of Lim and Einola discloses, wherein the

session controller sends a session update message to one or more of the access

network controllers if the session controller detects that the access terminal is not

currently identified with any one of the plurality of access network controllers (Lim,

column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines

1-25; column 6, lines 21-28).

Regarding claim 36, the combination of Lim and Einola discloses, wherein

redirecting service requests sent by the packet control function to a first access network

controller comprises: receiving a service request notification from said first access

network controller; and sending a connection setup request to the second access

network controller, which is currently identified with the access terminal by the session

controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67;

column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 37, the combination of Lim and Einola discloses, wherein the

session information comprises data connection information associated with a data

connection between the access terminal and a packet control function in the wireless

communication network (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 38, the combination of Lim and Einola discloses, wherein the data connection information comprises IP address information and network identifier information associated with the access terminal (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claims 39, 58, the combination of Lim and Einola discloses, wherein the network comprises an IXEVDO wireless communication network (Lim, column 7, lines 60-62; Figure 2).

Regarding claim 40, 59, the combination of Lim and Einola discloses, wherein the session controller assigns a Universal Access Terminal Identifier to said access terminal (Lim, column 7, lines 60-62).

Regarding claim 42, the combination of Lim and Einola discloses, further comprising generating the session information request at a second access network controller responsive to the transfer of the access terminal from a first access network controller to the second access network controller, and sending the session information request from the second access network controller to the session controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 43, the combination of Lim and Einola discloses, further comprising sending a cancellation request from the session controller to the first access network controller to initiate removal of the session information stored in the first access

network controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 44, the combination of Lim and Einola discloses, further comprising removing session information associated with the access terminal stored in the first access network controller in response to the cancellation request message (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 45, the combination of Lim and Einola discloses, further comprising storing routing information in the session controller indicating which of the plurality of access network controllers is currently identified with the access terminal by the session controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 46, the combination of Lim and Einola discloses, further comprising updating the routing information in response to a transfer of the access terminal from a first access network controller to a second access network controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 50, the combination of Lim and Einola discloses, further comprising sending a session cancellation message from an access network controller currently identified with the access terminal to the session controller, and updating the routing information stored in the session controller in response to the session

cancellation message (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 51, the combination of Lim and Einola discloses, further comprising sending a session update message from the session controller to one or more of the access network controllers when the session controller detects that the access terminal is not currently identified with any one of the plurality of access network controllers (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28)).

Regarding claim 52, the combination of Lim and Einola discloses, further comprising paging the access terminal by the one or more access network controllers in response to the session update message (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 53, the combination of Lim and Einola discloses, further comprising sending a session cancellation message from an access network controller to the session controller if the access network controller does not receive a response from the access terminal to a paging message sent by the access network controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 54, the combination of Lim and Einola discloses, further comprising redirecting a service request received by a first access network controller from a packet control function to a second access network controller (Lim, column 2,

lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 55, the combination of Lim and Einola discloses, wherein redirecting a service request comprises: sending a service request notification from the first access network controller to the session controller; and sending a connection setup request from the session controller to the second access network controller currently, which is currently identified with the access terminal by the session controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 56, the combination of Lim and Einola discloses, further comprising maintaining routing information at the packet control function indicating which of the access network controllers is currently identified with the access terminal by the packet control function (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Regarding claim 57, the combination of Lim and Einola discloses, further comprising updating the routing information when the packet control function receives a connection identified with the access terminal from an access network controller (Lim, column 2, lines 65-67; column 3, lines 1-7; column 4, lines 20-42, 47-67; column 5, lines 1-25; column 6, lines 21-28).

Allowable Subject Matter

3.   Claims 1-24, 60-65 allowed.

4.   Claims 30-32, 47-49, are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

EXAMINER'S AMENDMENT

5.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Mr. David E. Bennett on March 21, 2007 and Mr. Stephen A. Herrera (No.: 47,642) on

April 22, 2008.

IN THE CLAIMS:

Claim 38, on line 1, "of claim 39" has been replaced with -- of claim 37 --.

Claim 39, on line 1, "of claim 39" has been replaced with -- of claim 25 --.

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JULIO R. PEREZ whose telephone number is (571)272-

7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julio R Perez/
Examiner, Art Unit 2617

5/15/08

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617